

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 22-CR-80173-CANNON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WILLIAM SPEARMAN,

Defendant.

**SENTENCING MEMORANDUM/
MOTION FOR DOWNWARD VARIANCE**

Our nation has a long tradition of according leniency to veterans in recognition of their service, especially for those who fought on the front lines. . . . [T]he relevance of . . . extensive combat experience is not only that he served honorably under extreme hardship and gruesome conditions, but also that the [judge] might find mitigating the intense stress and mental and emotional toll that combat took on [him].

Porter v. McCollum, 558 U.S. 30, 43-44 (2009).

Long before he ran Website A, William “Bill” Spearman was a soldier in the United States Army. Enlisting at just 17 years old, he served our country for more than two decades – more than half of his adult life. His job was to detect and prevent acts of espionage, sabotage and terrorism through counterintelligence. And, by all accounts, he was good at his job.

A review of his military records shows a highly decorated and well-trained soldier who impressed every senior officer he encountered. Ex. A (filed under seal). Their reports describe him as “masterfully competent,” “a natural leader,” “dedicated to mission and soldiers,” “always dependable,” and “honest.” Ex. A at 14-15. He was

a “consummate officer whose professional and military competence has never been found lacking” and he embodied “some of the finest qualities of military leadership.” Ex. A at 16. He “always stands up for what he knows to be right,” exhibits “moral standards of the highest degree,” and is “thorough, selfless and dedicated” with “integrity beyond reproach.” Ex. A at 13, 20, 24, 26.

Throughout his service, he was often chosen for the most important and complex missions. For example, in 1996, a truck bomb detonated near an eight story building in Khobar, Saudi Arabia, killing 19 members of the United States Air Force. Then Secretary of Defense, William Perry, declared the attack “a watershed event pointing the way to a radically new mind-set and dramatic changes in the way we protect our forces deployed overseas from this growing threat.” William J. Perry, REPORT TO THE PRESIDENT AND CONGRESS ON THE PROTECTION OF U.S. FORCES DEPLOYED ABROAD (1996) *available at* http://irp.fas.org/threat/downing/report_f.html. In response to the attack, Lieutenant Colonel Perry Hargrove “personally selected” Mr. Spearman to “lead and execute” a “surge operation.” Ex. A at 27. Tasked with commanding “an echelon of corps” to “detect, identify, and neutralize foreign intelligence and terrorist collection efforts,” Mr. Spearman, a chief warrant officer 2 at the time, “successfully completed deployment with no days off leading a 24 hour a day mission during some of the most difficult times for the US forces in Saudi Arabia’s history.” Ex. A at 28.

Four years later, he was chosen specifically to act as collection manager and principal counterintelligence officer for two “critical combined task force” positions

“against an extremely difficult target set with visibility of the President of the United States.” Ex. A at 43. His intelligence was provided directly to then-Chairman of the Joint Chiefs of Staff, General Hugh Shelton, the Supreme Allied Commander of Europe, and the Commander of the Stabilization Force for Bosnia and Herzegovina, who gave it “consistent high marks.” Ex. A at 44. Brigadier General Leslie Fuller, who acted as his senior rater for the duty period, described his performance as both “flawless” and “masterful.” Ex. A at 44.

The following year, in a post-911 world, Mr. Spearman successfully led multiple “sensitive Passive Source Operations,” protecting “an untold number of highly sensitive U.S. Army and Department of Defense secrets and technologies against the collection efforts of foreign intelligence service agents.” Ex. A at 52. He worked with the FBI on two surveillance operations of “individuals suspected of having terrorist ties” that resulted in two full-field investigations and seven preliminary investigations. Ex. A at 52. Declaring he was “in the top 10% of the Warrant Officers” he rates, his reviewer that year noted his “efforts have been paramount in the effort to protect our country’s vital secrets.” Ex. A at 52.

While these are just a few examples of Mr. Spearman’s service, his contribution to our national security cannot be overstated. Nor did he fulfill his duties at a distance from the battlefield. In 1991, he received a Bronze Star for his performance in combat in the Persian Gulf during Operation Desert Storm. Ex. A at 8. Later, he acted as chief to a seven-soldier team responsible for “aggressive counterintelligence operations” in Central and South America for four months in 1997 and 1998. Ex. A

at 33. His team's excellence was recognized by the Commanding General of the U.S. Army South. Ex. A at 34. His service has been both extensive and extraordinary.

Unfortunately, serving one's country often has unintended consequences. Mr. Spearman has suffered from Post-Traumatic Stress Disorder since the late-1990s, [PSR ¶ 126], a diagnosis confirmed most recently by Dr. Amy Swan. Ex. B (filed under seal). At sentencing, Dr. Swan will explain how she made that determination and describe the severity of the disorder for Mr. Spearman. She will also explain how his inability to adequately cope with his trauma, particularly after the death of his father in 2013 and the subsequent closing of a property rental business he owned with his wife in 2014, likely led to his otherwise inexplicable fall from grace.

While Mr. Spearman knows he cannot undo the harms he created through his role in the administration of Website A, at sentencing, he will stand before this Court and ask it to carefully consider his military history and Dr. Swan's testimony and recognize his military brothers and sisters were not wrong about him – he is all of the things they said about him for more than 20 years. He's just broken.

Respectfully submitted,

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s/ Scott Berry
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CERTIFICATE OF SERVICE

I hereby certify that on August 21, 2023, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

s/ Scott Berry
Scott Berry